## REMARKS

### Claim Status

Claims 1, 2, 4, and 7-10 are pending in the present application. Claim 3 has been canceled without prejudice. Claims 6, 11, and 12 have been withdrawn by the Examiner as a result of an earlier restriction requirement by Applicants. Claim 4 has been amended to correct dependency in view of the cancellation of Claim 3. Support for this amendment is contained in the originally filed claims. Claim 5 has been canceled. Claim 10 has been amended to clarify the difference between a first substrate of Claim 1 versus another nonwoven substrate of Claim 10. Support for this amendment may be found in Example 8 of the application. No additional claims fee is believed to be due.

### Formal Matters

Claim 3 has been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office has required Applicants to cancel the claim, amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. The Office states that Claim 3 does not further limit the subject matter of claim 1 on which it depends. In order to advance prosecution, Applicants have canceled Claim 3. Accordingly, this objection should be moot.

### Rejection Under 35 USC §112, First Paragraph

Claim 5 stands rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The Office Action states that this claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Furthermore, the Office Action states that the specification does not provide any teaching as to how to attain the goal as claimed; that is, how the fragrant component can be controlled in such a way that when a volatile substance is present, the fragrance component is released at least one thousand times higher than when the volatile substance is absent. The specification states that, "[i]t is desirable that at least a portion of the fragrance component is released in the presence of the volatile substances at levels at least one thousand times higher than in their absence under ambient conditions"

(emphasis added). However, the instant specification fails to disclose how that goal can be attained. Thus, based on the instant disclosure, such goal remains to be "desirable" but not "attainable".

Claim 5 has been canceled. Therefore, this rejection is moot.

Claims 1-5 and 7-10 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that in claim 1, the term "perfume raw material" or the abbreviation "PRM" renders the claim indefinite. The term "perfume raw material" is not an art-recognized or art-accepted term. Replacing the term by a term that is well-defined or recognized in the art has been required. In claim 2, the Office Action contends that it is unclear what the term "ion exchange resin" denotes and that the term "PRM" does not render the specification inadequate because it has been used loosely in the fragrance market, its use in claims is not acceptable for its meaning is not well-established in the art. Additionally, the Office Action asserts that Claim 10 is unclear in that when the substrate takes the form of beads, it cannot be seen how that could form a "sheet material" as the preamble dictates. Applicants traverse these rejections.

With regard to the use of PRM or perfume raw material, Applicants assert that an inventor is permitted to be his own lexicographer so long as he sets out his uncommon definition in some manner within the patent disclosure. *Intellicall Inc. v. Phonometrics Inc.*, 952 F.2d 1384, 21 USP2d 1383, 1386 (Fed. Cir. 1992). Applicants have defined this term within the specification and this therefore precludes indefiniteness of what the term means. On the other hand, Applicants assert that one skilled in the art would have been familiar with the term "ion exchange resin" as such is a material that has been commercially available from suppliers like Dow as Dowex® ion exchange resins since before the filing of the present application. Now with regard to the §112 rejection for Claim 10, this claim is amended herein to more clearly recite the invention such that the sheet material substrate is distinct from the substrate of Claim 1. Accordingly, Applicants request withdrawal of these rejections based on §112, Second Paragraph.

Rejection Under 35 USC §102 Over Kobayashi (JP 60-018171)

Claims 1-5 and 7-10 have been rejected under 35 USC §102(b) as being anticipated by the Kobayashi patent (JP 60-018,171). The Office Action reasons that the Kobayashi patent teaches a composition comprising an "impregnable body" and fragrances impregnated in the "impregnable body" and that component comprises any materials that can absorb liquid, thus it is a sorbent according to the definition in the Applicants' instant specification. The Office asserts that the sorbent or impregnable body is capable of absorbing volatile substance by definition. Applicants respectfully traverse this rejection.

Kobayashi relates to **slow-release** fragrance agents, made by **impregnating** blended fragrances comprising multiple fragrance components **into** composite impregnable bodies comprising one, two or more kinds of thermoplastic resins for fragrance impregnation and carriers for fragrance impregnation. This reference relates to agents that are capable of slowly releasing fragrances from thermoplastic resin bodies. This reference, however, does not teach or even suggest a sorbent having a plurality of surfaces wherein a fragrance component is **impregnated onto** such surfaces. Furthermore, Kobayashi does not even teach or suggest where such a fragrance component is **released only in the presence of one or more volatile substances** that are then adsorbed by the sorbent. Kobayashi simply fails to teach or in any other way disclose these elements that are basic to Applicants' invention. In view of these shortcomings, it is clear that the rejection of anticipation based on Kobayashi is improper. It is well known that a reference anticipates a claim if it discloses the claimed invention "such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Graves*, 69 F.3d 1147, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995). Here, the teachings are clearly lacking. Accordingly, Applicants request reconsideration and withdrawal of this rejection under 35 USC §102(b).

Rejection Under 35 USC §103(a) Over Kobayashi (JP 60-018171)

Claims 8 and 9 have been rejected under 35 USC §103(a) as being unpatentable over the Kobayashi patent (JP 60-018,171) as applied to Claims 1-5, 7 and 10 above, and

further in view of one of the following US patents: 5,556 ,394; 5,554,144; 5,554,143; 5,554,142; 5,643,588; 5,624,426; 5,609,587; 5,607,760; 5,575,784; 5,558,661; 5,997,521; 5,968,025; 5,906,603; 5,957,906; 6,118,041; and 6,107,537.

First, the Office Action states that the Kobayashi patent teaches the volatile substance-controlling composition as discussed above. The Office also offers that the Kobayashi patent teaches incorporating this composition into an article (page 5, last paragraph). The Office Action reasons that the Kobayashi patent does not explicitly describe the use of such compositions in various structures as claimed but that such is implied in the disclosure. The Office then states that each of the aforementioned US patents teaches the layered odor-absorbing structure as claimed and it would have been obvious for one having ordinary skill in the art to incorporate the composition in the structure taught in any of the aforementioned US patents in order to produce an article that provides dual function: odor or volatile substance-absorbing as well as fragrant releasing. Applicants likewise traverse this rejection.

As detailed earlier, Kobayashi simply fails to teach or suggest each of the elements that are required by the present invention. Kobayashi focuses on slow-release fragrance agents that are made by impregnating blended fragrances comprising multiple fragrance components into composite impregnable bodies comprising one, two or more kinds of thermoplastic resins for fragrance impregnation and carriers for fragrance impregnation. Kobayashi still fails to teach or suggest a sorbent having a plurality of surfaces wherein a fragrance component is impregnated onto such surfaces. Again, Kobayashi also fails to teach or suggest where such a fragrance component is released only in the presence of one or more volatile substances that are then adsorbed by the sorbent. Kobayashi simply fails to teach these elements which are key to the present invention. Rather, Kobayashi focuses on fragrances that are impregnated into (i.e., within) the interstices of the thermoplastic resin material of the disclosed invention. These fragrances are intended to be released slowly without external prompting. The present invention, however, only releases its fragrance component from the plurality of surfaces of the sorbent upon the introduction of a suitable volatile substance that needs to be controlled. This major difference between Kobayashi's disclosure and the present invention hammers home the nonobviousness of the latter.

Now, the Office cites multiple patents above that relate to layered odor-absorbing structures. None of these references individually teach or suggest those missing elements discussed above. Therefore, their disclosures are pointless in the attempted art citation combination. Individually, each of the patents inadequately supplement the disclosure of Kobayashi such that the present invention still would not result. In fact, one skilled in the art would have merely arrived at a layered odor-absorbing structure that contains a thermoplastic resin impregnated with certain slow-releasing fragrances in carriers. Thus, it is clear that the cited combination would not have led a skilled artisan to arrive at the present invention. Consequently, Applicants respectfully request reconsideration and withdrawal of this rejection of Claims 8 and 9 under 35 USC §103(a).

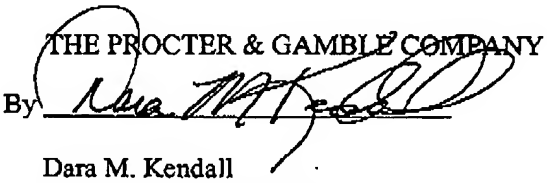
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under both §§102(b) and 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 2, 4, and 7-10 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

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